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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,474	06/12/2001	Jamal Benbrahim	IGTECH.0013P	5212

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EXAMINER

OMOTOSHO, EMMANUEL

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/880,474

Applicant(s)

BENBRAHIM, JAMAL

Examiner

Emmanuel Omotosho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/26/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **18-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe (US 6,645,077) in view of Graunke et al (US 5,991,399).

In regards to claims 18,22,26 and 35 Rowe teaches a gaming terminal data repository and information distribution system for transmitting games over a communications link (Rowe Col 6:44-61, Col 5:51-58), audio and video data utilized during the play of said games (Rowe Col 9:35-56 & Elm 230, 232), the utilization encryption with the transmission data (Rowe Col 22:30-51), the select transmission of multiple operational game configuration based on the jurisdiction which the game is operated (Rowe Col 13:50-65), receiving an element of value for use as credit on a gaming device for wagering a bet on a game (Fig 6A), the

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display device for displaying the outcome of a game (Fig 6A), and the operation of the respective game once stored (*Rowe* Col 4:66-5:13) on a programmable memory device such as RAM in communication with a processor at the respective terminal location (*Rowe* Fig2, Elm 206, & Col 20:1-21).

Rowe however is silent regarding the specific manner of encryption utilized however, *Graunke* teaches a manner of encryption suitable for the distribution of software *Rowe* including the distribution of games (*Graunke* Col 6:30-35, 3:67-4:1 & Elm 104) that utilizes a private key for the cryptographic processing of data (*Graunke* Elm 102, 104, 124, 130), the utilization of a secure access module (*Graunke* Elm 52, "Tamper Resistant Key Module") for storing multiple private keys (*Graunke* Elm 102, 106, 110). *Graunke* further teaches the system taking remedial action whenever the decrypted data is not authenticated by the remote device (Fig 4b Elm.

118,119,120,128,138)

As discussed above *Rowe* teaches the use of encryption but is silent regarding the specific manner and related features as to how encryption is incorporated/implemented within the disclosed invention. Given these general teachings one of ordinary skill in the art would have been forced to seek outside references, such as the *Graunke* reference for disclosure as to the known manners and/or procedures of enacting the encryption as described in the first invention of *Rowe*. Accordingly, it would have been obvious to one of ordinary skill in the art to incorporate the encryption techniques of *Graunke* into the

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invention of Rowe so as to allow for the full functionality of the invention of Rowe to be realized.

In regards to claims 19-21 and 23, Graunke disclose the utilization of a secure access module (*Graunke* Elm 52, "Tamper Resistant Key Module") for storing multiple private keys (*Graunke* Elm 102, 106, 110) and further disclose the storage of the operating data at the gaming device (Col. 8 lines 65- Col 9 line 1).

In regards to claims 24-25, Rowe discloses the operation of the respective game stored (*Rowe* Col 4:66-5:13) on a programmable memory device such as RAM in communication with a processor at the respective terminal location (*Rowe* Fig2, Elm 206, & Col 20:1-21).

In regards to claims 27-30 and 31-34, Rowe discloses the gaming device wherein games are approved for use in different jurisdiction (Fig. 4), the remedial action is to erase the private key or code stored on the gaming device since there is no point of keeping it (Fig. 4b Elm 128), and the calculating of digital signatures based on the operating data (Col 5 lines 15-25).

Response to Arguments

Applicant's arguments filed 9/26/2006 have been fully considered but they are not persuasive. Applicant argues the newly presented claims for features not previously presented in the pending claims. The rejections above have been accordingly updated to reflect the present inclusion of these features and establish the prima facie case of obviousness redressing the Applicant's proposed patentability of the pending claims.

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Applicant's arguments in regards to rejection to claims 18-35 under 35 U.S.C. 103(a) as being unpatentable over Rowe (US 6,645,077) in view of Graunke et al (US 5,991,399) have been fully considered but they are not persuasive. Applicant argues on page 8 "the combination of Rowe and & Graunke, as recited in claim 22, doesn't teach or suggest a controller operable to a) send information relating to the decrypted one of the first set of operating data or the second set of operating data to a remote device to authentic, are the decrypted one of the first set of operating data or the second set of operating data, b) to take action when the decrypted one of first set of operating data or the second set of operating data is not authenticated by the remote device. As another example, the combination doesn't teach or suggest storing the first game and the second game on the device but providing only one of the first private key or the second private key to prevent execution of the first game or the second game on the gaming device". However, as pointed out above, the applicant should respectfully note that the Rowe/Graunke combination teaches sending out game information to a remote device and a system capable of taking remedial action when the decrypted operating data is not authenticated by the remote device (Rowe Fig 8 and Graunke Fig 4B). Graunke's El. 128 is being interpreted as the remedial action being taken by the system when authentication fails. Graunke's Fig 4b shows that the system is capable of storing the private keys to prevent execution of the game on the gaming device (Fig 4B El. 114). For the Examiner views the art of "downloads key module and encrypted symmetric keys" as "stores key module and encrypted symmetric keys".

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Omotosho whose telephone number is (571) 272-3106. The examiner can normally be reached on m-f 8-430.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EO

Ronald Green
Primary Examiner
2/8/07